

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

SENSORMATIC ELECTRONICS
CORPORATION

Plaintiff,

v.

WG SECURITY PRODUCTS, INC.
and
EAS SENSORSENSE, INC.,

Defendants.

Civil Case No. 2-04-CV-167

JURY DEMANDED

**SENSORMATIC ELECTRONICS CORPORATION'S
OBJECTIONS TO DEFENDANTS' TRIAL EXHIBITS**

In accordance with the Amended Scheduling Order (dkt. #115), Plaintiff Sensormatic Electronics Corporation ("Sensormatic") makes the following objections to Defendants WG Security Products, Inc. and EAS Sensorsense, Inc.'s (collectively, "Defendants") designation and identification of trial exhibits.

I. GENERAL OBJECTIONS

Sensormatic objects to Defendants' lists of Exhibits Expected to be Offered at Trial and Other Exhibits That May be Offered if the Need Arises (collectively, "Defendants' Exhibit Lists") to the extent they inadequately identify documents and things and thus fail to meet the requirements of Fed. R. Civ. P. 26(a)(3). To the extent Sensormatic is unable to identify the documents or things to which Defendants are referring, Sensormatic reserves the right to object to any document or thing on any grounds and/or to move for its exclusion from use at trial.

Sensormatic objects to Defendants' claimed reservation of the "right" to number its exhibits later. To the extent Defendants' failure to properly designate its exhibits in its Exhibit Lists causes Sensormatic to be unable to identify any document or thing to which Defendants are

referring, Sensormatic reserves the right to object to any document or thing on any grounds and/or to move for its exclusion from use at trial.

For any document or thing Defendants identify and/or use at trial, Sensormatic reserves the right to rely upon the rule of completeness per Fed. R. Evid. 106.

Sensormatic further objects to the gross amount of duplication present in Defendants' Exhibit Lists on the grounds that it causes undue burden and confusion.

Specific objections to specific exhibits are presented in tabular format below. The following is a summary of Sensormatic's objections:

1) Authentication

Sensormatic objects to such exhibits on the grounds that they consist of documents authored and/or produced by third parties, or for which the author is unknown, and the authenticity of the documents has not been adequately established. Consequently, the Court's record would be materially prejudiced and substantially flawed by introducing documents whose authenticity and truth is unknown. Sensormatic objects to these exhibits on the basis that their entry into evidence would be prejudicial to Sensormatic, and misleading or confusing to the jury. *See* Fed. R. Evid. 901.

2) Best Evidence

Exhibits in this category consist of documents that are not the best available evidence and/or for which an original version is required. Sensormatic objects to these exhibits on the basis that their entry into evidence would be prejudicial to Sensormatic, and misleading or confusing to the jury. Fed. R. Evid. 1002.

3) Improper Character Evidence

Exhibits in this category may unfairly be used to impute conduct to Sensormatic and/or its employees through the improper presentation of character evidence. Sensormatic objects to these exhibits on the basis that their entry into evidence would be prejudicial to Sensormatic, and misleading or confusing to the jury. Fed. R. Evid. 404.

4) Hearsay

Exhibits in this category contain or consist completely of hearsay. Sensormatic objects to these exhibits on the basis that they comprise hearsay. Fed. R. Evid. 802.

5) Incomplete

Exhibits in this category consist of incomplete and partial documents. Sensormatic objects to these exhibits on the basis that entry into evidence of a partial document would distort the Court's record and would be prejudicial to Sensormatic, and misleading or confusing to the jury. *See* Fed. R. Evid. 106, 403.

6) Document/Thing Subject to Pending Motion

Exhibits in this category consist of documents and things the admissibility and/or relevance of which is presently to be determined by a pending motion. For example, any documents or things pertaining to Defendants' counterclaim will be irrelevant and inadmissible when and if Sensormatic's pending motion for partial summary judgment (dkt. #65) is granted. Consequently, Sensormatic objects to all such documents and things on the grounds that the document or thing will be inadmissible if one or more pending motions are determined in Sensormatic's favor.

7) Documents/Things Not Timely Produced (or Lacking Production Numbers)

These documents either lack production numbers or were not timely produced in accordance with the Federal Rules, Court's rules, and/or Local Rules. Consequently, Sensormatic objects to their introduction on the grounds that it would be prejudicial to Sensormatic. 35 U.S.C. § 282.

8) Prejudicial, Confusing, and/or Misleading

The probative value, if any, of documents and things in this category is substantially outweighed by the danger of unfair prejudice, confusion of the issues, and/or misleading of the jury. Fed. R. Evid. 403.

9) Relevance

Sensormatic objects to these exhibits on the grounds that they are not relevant to any genuine issue of fact or law in this lawsuit. Fed. R. Evid. 402.

10) Unidentifiable Document or Thing

Documents and things in this category have not been adequately identified by Defendants in accordance with Fed. R. Civ. P. 26(a)(3) and, thus, Sensormatic cannot fully determine what objections it may have to the document or thing. Consequently, with these proposed exhibits in particular, Sensormatic reserves its right to object to and/or move to exclude the document or thing from use at trial.

II. OBJECTIONS TO EXHIBITS DEFENDANTS EXPECT TO OFFER AT TRIAL

The following abbreviations will be used in Sections II and III:

- A = Lacks Authentication
- B = Not Best Evidence
- C = Improper Character Evidence
- H = Hearsay
- I = Incomplete
- M = Subject to Pending Motion
- N = Not Timely Produced (or lacks production numbers)
- P = Prejudicial, Confusing, and/or Misleading
- R = Lacks Relevance
- U = Unidentifiable

Defendants' Proposed Exhibit	Objections
1. Patents and Related Materials	
U. S. Patent 5,426,419	
File History of '419 patent	
U. S. Patent 6,118,378	
File History of '378 patent	
U. S. Patent 6,700,490	
File History of the '490 patent	
U. S. Patent 5,528,914	N, P, R
File History of U. S. Patent 5,528,914	N, P, R
U. S. Patent 5,029,187	M, N, R
U. S. Patent 4,164,036	M
U. S. Patent 4,675,658	
U. S. Patent 4,679,046	

Defendants' Proposed Exhibit	Objections
U. S. Patent 4,710,752	
U. S. Patent 4,759,995	
U. S. Patent 4,859,991	
U. S. Patent 4,384,281	M, N, R
U. S. Patent 4,679,046	
U. S. Patent 4,634,975	M, N, R
U. S. Patent 4,394,645	M, N, R
U. S. Patent 4,663,612	M, N, R
U. S. Patent 4,158,243	M, N, R
U. S. Patent 763,681	N, R
U. S. Patent 4,063,230	M, N, R
U. S. Patent 4,888,579	M, N, R
U. S. Patent 4,300,183	M, N, R
U. S. Patent 4,309,697	M, N, R
U. S. Patent 4,164,036	M
U. S. Patent 5,029,187	M, N, R
U. S. Patent 5,414,410	M, N, R
2. Physical Samples	
Specimen Example of Monoguard	U
Specimen Example of Multi-guard	U
Specimen Example of both Plaintiffs and Defendants' EAS tags	U; and P, R as to Plaintiff's tags
Specimen of Universal infringing tag (from 2003 lawsuit)	A, M, N, P, R, U
Sensormatic Hand Detacher	U
Magnetic Detacher for Defendants' tag.	U
3. Materials from Universal Case	
Expert Report of Walt Bratic in the 2003 Universal matter	M, P, R
4. Deposition Exhibits	
1. Exhibit 43 To Gillette Deposition (S034079-81).	
2. Exhibit 44 To Gillette Deposition (S032572-602).	
3. Document bearing Bates No. S033150.	R
4. Documents bearing Bates Nos. S033151-77.	
5. Documents bearing Bates Nos. S033178-83.	
6. Documents bearing Bates Nos. S032703-31.	R
7. Schematic marked as Exhibit 46 to Balch Deposition taken 10/06/05.	A, H, I, P, R
8. Schematic marked as Exhibit 47 to Balch Deposition taken 10/06/05.	A, H, I, P, R
9. Schematic marked as Exhibit 48 to Balch Deposition taken 10/06/05.	A, H, I, P, R
10. Schematic marked as Exhibit 49 to Balch	A, H, I, P, R

Defendants' Proposed Exhibit	Objections
Deposition taken 10/06/05.	
11. Exhibit 53 To Szklany Deposition (S030680-83).	M, R
12. Exhibit 54 To Szklany Deposition; E-mails dated 02/03/03 through 02/04/03 (S029778-81).	M, R
13. Exhibit 55 To Szklany Deposition; E-mails dated 02/24/03 through 02/25/03 (S030707-10).	M, R
14. Exhibit 56 To Szklany Deposition; E-mail dated 01/07/03 (S030641).	M, R
15. Exhibit 57 To Szklany Deposition; E-mails dated 01/17/03 through 01/20/03 (S029212-13).	M, R
16. Exhibit 58 To Szklany Deposition; E-mails dated 02/10/03 through 02/11/03 (S029768).	M, R
17. Exhibit 59 To Ely Deposition; E-mail dated 06/24/03 (S029612).	M, R
18. Exhibit 60 To Ely Deposition; E-mail dated 05/20/03 (S029408).	M, R
19. Exhibit 61 To Patterson Deposition; Memo dated 01/12/00 including attachments (S029897-99).	M, R
20. Exhibit 62 To Patterson Deposition; E-mail dated 05/09/01 (S029833).	M, R
21. Exhibit 63 To Patterson Deposition; E-mails dated 06/20/01 through 07/02/01 (S029817-18).	M, R
22. Exhibit 64 To Patterson Deposition; E-mails dated 12/21/01 through 01/21/02 including attachments (S029811-13).	M, R
23. Exhibit 65 To Patterson Deposition; E-mails dated 03/12/02 through 03/13/02 including attachments (S030667-69).	M, R
24. Exhibit 66 To Patterson Deposition; E-mail dated 05/22/02 (S030665).	M, R
25. Exhibit 67 To Patterson Deposition; E-mail dated 05/30/02 (S030664).	M, R
26. Exhibit 68 To Patterson Deposition; E-mails dated 05/21/02 through 05/30/02 (S030663).	M, R
27. Exhibit 69 To Patterson Deposition; E-mails dated 06/04/02 through 06/10/02 including attachments (S029172.1-74).	M, R
28. Exhibit 70 To Patterson Deposition; Memo dated 06/10/02 including attachments (S029378-80).	M, R
29. Exhibit 71 To Patterson Deposition; WG Agenda/Summary (S029944-45).	M, R
30. Exhibit 72 To Patterson Deposition; Agreement between SRM & WG/EAS (S029425-29).	M, R
31. Exhibit 73 To Patterson Deposition; E-mail dated	M, R

Defendants' Proposed Exhibit	Objections
06/12/02 (S030658-59).	
32. Exhibit 74 To Patterson Deposition; E-mails dated 06/12/02 through 06/17/02 (S030652-54).	M, R
33. Exhibit 75 To Patterson Deposition; E-mails dated 01/30/02 through 08/05/02 including attachments (S030684-95).	M, R
34. Exhibit 76 To Patterson Deposition; E-mails dated 10/31/02 through 11/04/02 (S032871).	M, R
35. Exhibit 77 To Patterson Deposition; E-mails dated 02/07/03 including attached notes (S032791-92).	M, R
36. Exhibit 78 To Patterson Deposition; Mutual Confidentiality/Nondisclosure Agreement between ADT and WG/EAS.	M, P, R
37. Exhibit 79 To Patterson Deposition; E-mails dated 02/03/03 through 09/13/05 (S032998).	M, R
38. Exhibit 80 To Frederick Deposition taken 10/14/05, Sales Brochure for Mono-Guard.	
39. Exhibit 102 To Riley Deposition Mutual Confidentiality/Nondisclosure Agreement (S029430-34).	M, R
40. Exhibit 110 To Riley Deposition; E-mail 07/26/02 (S029789-90).	M, R
41. Exhibit 112 To Riley Deposition; E-mail 09/19/02 (S030642-44).	M, R
42. Exhibit 116 To Riley Deposition; E-mail 02/07/03 (S032901).	M, R
43. Exhibit 118 To Riley Deposition; E-mail 02/27/03.	H, M, R
44. Exhibit 119 To Riley Deposition; E-mail 09/13/05 (S033010-11).	M, R
45. Exhibit 120 To Riley Deposition; E-mail 10/26/03 through 10/27/03 (S032536-37).	M, R
46. Exhibit 121 To Riley Deposition; E-mail Nov. & Dec. 2003 (S032517-20).	M, R
47. Exhibit 122 To Riley Deposition; E-mail 06/24/03 (S032866).	M, R
48. Exhibit 150 To Watkins Deposition; E-mail 03/05/01 (S032622-23).	M, R
49. Exhibit 150 To Watkins Deposition; E-mail 03/05/01 (S032622-23).	M, R
50. Exhibit 151 To Watkins Deposition; E-mails 03/20/01 (S029881-82).	M, R
51. Exhibit 152 To Watkins Deposition; E-mails 05/18/01 through 05/21/01 (S032876-79).	M, R
52. Exhibit 153 To Watkins Deposition; E-mail	M, R

Defendants' Proposed Exhibit	Objections
05/24/01 (S032912-15).	
53. Exhibit 154 To Watkins Deposition; E-mail 05/23/01 through 06/23/01 (S032910-11).	M, R
54. Exhibit 155 To Watkins Deposition; E-mail 06/25/01 (S032908-09).	M, R
55. Exhibit 157 To Watkins Deposition; E-mails Janaury 2002; Re: WG Communication profile "WG Company Confidential" (S032744-55).	M, R
56. Exhibit 158 To Watkins Deposition; E-mail 02/13/02 (S034529).	M, R
57. Exhibit 159 To Watkins Deposition; E-mail 02/13/02 through 02/15/02 (S034510-511).	H, M, R
58. Exhibit 160 To Watkins Deposition; E-mail 02/13/02 through 02/14/02 (S034353-55).	H, M, R
59. Exhibit 161 To Watkins Deposition; E-mail 02/21/02 through 02/22/02 (S034513-14).	M, R
60. Exhibit 162 To Watkins Deposition; E-mail 03/12/02 through 03/13/02 (S030674-75).	M, R
61. Exhibit 164 To Watkins Deposition; E-mail March 2002 (S034385-88).	M, R
62. Exhibit 165 To Watkins Deposition; E-mail March 2002 (S034391-95).	M, R
63. Exhibit 166 To Watkins Deposition; E-mail Feb. Mar. Apr. 2002 (S034358-62).	H, M, R
64. Exhibit 167 To Watkins Deposition; E-mail 05/21/02 (S034527).	M, R
65. Exhibit 168 To Watkins Deposition; E-mail May 2002 (S034477-78).	M, R
66. Exhibit 169 To Watkins Deposition; E-mail 06/10/02 (S034401-03).	M, P, R
67. Exhibit 172 To Watkins Deposition; Agreement between SRM & WG/EAS (S029425-29).	M, R
68. Exhibit 174 To Watkins Deposition; WG Agenda/Summary (S034562-63).	M, R
69. Exhibit 175 To Watkins Deposition; E-mail 06/19/02 (S034404-07).	M, R
70. Exhibit 176 To Watkins Deposition; E-mail 06/27/02 (S034540).	M, R
71. Exhibit 177 To Watkins Deposition; E-mail 07/02/02 (S034496).	H, M, R
72. Exhibit 178 To Watkins Deposition; E-mail June, July 2002 (S034474-75).	M, R
73. Exhibit 179 To Watkins Deposition; E-mail 07/12/02 (S029226-374).	H, M, R

Defendants' Proposed Exhibit	Objections
74. Exhibit 180 To Watkins Deposition; E-mail 07/12/02 through 07/18/02 (S034536).	M, R
75. Exhibit 181 To Watkins Deposition; E-mail 07/12/02 through 07/19/02 (S034531-32).	M, R
76. Exhibit 182 To Watkins Deposition; E-mail July 2002 (S034492-93).	M, R
77. Exhibit 183 To Watkins Deposition; E-mail 07/12/02 through 07/19/02 (S034504-05).	M, R
78. Exhibit 184 To Watkins Deposition; E-mail 07/12/02 through 07/19/02 (S034501-02).	M, R
79. Exhibit 185 To Watkins Deposition; E-mail 07/23/02 (S034521-22).	M, R
80. Exhibit 186 To Watkins Deposition; E-mail 07/26/02 (S030648-49).	M, R
81. Exhibit 187 To Watkins Deposition; E-mail 07/26/02 (S029789-90).	M, R
82. Exhibit 188 To Watkins Deposition; E-mail 07/26/02 through 07/29/02 (S034356-57).	M, R
83. Exhibit 189 To Watkins Deposition; E-mail 08/01/02 (S030647).	M, R
84. Exhibit 190 To Watkins Deposition; E-mail 08/01/02 (S034389-90).	M, R
85. Exhibit 191 To Watkins Deposition; E-mail 08/07/02 through 08/08/02 (S030645).	M, R
86. Exhibit 192 To Watkins Deposition; E-mail 08/08/02 through 08/09/02 (S034481-83).	M, R
87. Exhibit 193 To Watkins Deposition; E-mail 08/22/02 (S034546).	H, M, R
88. Exhibit 194 To Watkins Deposition; E-mail 08/26/02 (S034396-97).	M, R
89. Exhibit 195 To Watkins Deposition; WG/EAS Information (S034564-68).	M, R
90. Exhibit 196 To Watkins Deposition; E-mail Aug. & Sept. 2002 (S034560-61).	H, M, R
91. Exhibit 197 To Watkins Deposition; E-mail 09/11/02 (S034523-24).	H, M, R
92. Exhibit 198 To Watkins Deposition; E-mail 09/19/02 (S030642-44).	M, R
93. Exhibit 199 To Watkins Deposition; E-mail 2002 Various (S032871-75).	M, R
94. Exhibit 200 To Watkins Deposition; E-mail 11/04/02 (S034503).	H, M, R
95. Exhibit 201 To Watkins Deposition; E-mail Nov. 2002 (S034490-91).	H, M, R

Defendants' Proposed Exhibit	Objections
96. Exhibit 203 To Watkins Deposition; E-mail 02/10/03 through 02/11/03 (S029768).	M, R
97. Exhibit 7 To Smith Deposition; Price List for German WG Distributor (S038993-97).	
98. Exhibit 9 To Smith Deposition; E-mails; Re: Multiguard System (S029745-51).	M, R
99. Exhibit 11 To Smith Deposition; E-mail 02/03/03 (S029786-88).	M, R
100. Exhibit 12 To Smith Deposition; Memo 06/07/03 (S034344-45).	
101. Exhibit 13 To Smith Deposition; E-mail 09/13/05 (S034346-50).	M, R
102. Exhibit 1 To Beaman Deposition; Billing Invoices.	P, R
103. Exhibit 2 To Beaman Deposition; Report.	B, H, P, R
104. Exhibit 3 To Beaman Deposition; Boilerplate.	H, P, R
105. Exhibit 4 To Beaman Deposition; Engagement Letter.	R
106. Exhibit 5 To Beaman Deposition; E-mail Chain.	H, R
107. Exhibit 4 to Steffes Deposition; Interrogation Zone Schematic.	B, H, P, R
5. Documents regarding Tyco – SEC filings, commercial news reports and publications provided to counsel on October 26, 2005.	A, C, H, M, P, R, U
6. Documents pertaining to 1999 sale of the Euro, as produced with Defendants' Preliminary Invalidity Contentions dated March 6, 2005.	H, P, R, U; Sensormatic also objects on the grounds that all such documents were stricken in Order #137
7. Product literature and source code for the Euro, as produced by the Defendants.	H, N, P, R, U; Sensormatic also objects on the grounds that all such documents were stricken in Order #137
8. Exhibits to Defendants' Motion for Partial Summary Judgment due to Invalidity of the '490 patent due to 35 § 102(b) "on sale" bar.	H, N, P, R, U; Sensormatic also objects on the grounds that all such documents were stricken in Order #137
9. Distributorship Agreement between ADT and Sensormatic (as produced by Plaintiff in discovery)	M, P, R, U
10. Sensormatic's First, Second & Third Privilege and Redaction logs.	M, P, R
11. Documents identifying the purchase of WG	H, M, P, R, U

Defendants' Proposed Exhibit	Objections
equipment by Sensormatic and/or ADT including e-mail communication.	
12. Expert File Material - The file material produced by the Plaintiff corresponding to the expert files for Joseph Beaman, Paul Steffes, Frederic Harris and John Lynch, including correspondence and draft report versions.	H, P, R, U
13. Defendant Product Information	
1. Each version of the source code which has previously been produced in discovery.	Regarding all but the source code identified as Sensormatic's Trial Exhibits 19 & 20: A, H, N, P, R, U; Sensormatic also objects on the grounds that all such documents were stricken in Order #137
2. Schematics and one-line diagrams of the Defendants products, as previously produced in discovery.	Regarding all but the schematics identified as Sensormatic's Trial Exhibits 21 & 22: A, H, N, P, R, U
3. Website material pertaining to the Defendants' products.	A, H, U
14. Expert Reports and Supporting Documents from Defendants' Designated Experts	
1. Expert Report of H. Clark Bell dated December 22, 2005	B, H, M, P, R
2. The exhibits identified to the expert report of H. Clark Bell, as follows: Appendix A – CV of Dr. H. Clark Bell Patents identified in the expert report of H. Clark Bell dated December 22, 2005	
3. Expert Report of William O. Kerr and Greg Smith dated December 22, 2005.	B, H, P
4. Curriculum Vitae of William O. Kerr, (Appendix A, Kerr/Smith Report)	
5. List of Prior Testimony by William O. Kerr, (Appendix A, Kerr/Smith report)	
6. Curriculum Vitae of Gregory E. Smith, (Appendix A, Kerr/Smith Report)	
7. List of Prior Testimony by Gregory E. Smith, (Appendix A, Kerr/Smith report)	
8. Each document identified in Appendix B of Kerr/Smith expert report as considered in the production	A, B, H, I, M, N, P, R, U

Defendants' Proposed Exhibit	Objections
of the Kerr/Smith expert report. (each document specifically identified by Bates Number or other identification in pages 1-11 of Appendix B)	
9. Exhibit 1 to Kerr/Smith report, EAS Market Hard Tags.	
10. Exhibit 2 to Kerr/Smith report, EAS Sensorsense Profit & Loss Statements	
11. Exhibit 3 to Kerr/Smith report, Supersensor Operating Profit	
12. Exhibit 4 to Kerr/Smith Report, Pedestal Operating Profit	
13. Exhibit 5 to Kerr/Smith Report, Summary of Relevant License Agreements	
14. Exhibit 6 to Kerr/Smith Report, Reasonable Royalty Damages – '419 Patent	
15. Exhibit 7 to Kerr/Smith Report, Reasonable Royalty Damages – '378 Patent	
16. Exhibit 8 to Kerr/Smith Report, Reasonable Royalty Damages – '490 Patent	
17. Exhibit 9 to Kerr/Smith Report, Reasonable Royalty Damages (combined)	
18. Exhibit 10 to Kerr/Smith Report, Diversified Distribution Systems	
19. Exhibit 11 to Kerr/Smith Report, Abercrombie & Fitch	R
20. Expert Report Of Dr. Eric Dowling of December 18, 2005	B, H, M, P
21. Expert Report of Dr. Eric Dowling dated January 4, 2006	B, H, M, P
22. Digital Communications by John G. Proakis, 3d edition, McGraw Hill International Editions, ISBN: 0-07-113814-5, as referenced in expert report of Dr. Eric Dowling	I, M, R
23. Fundamentals of Statistical Signal Processing (Detection Theory), Volume II, by Steven M. Kay, Prentice Hall Publications, ISBN: 0-13-504135-X, as referenced in the expert report of Dr. Eric Dowling.	I, M, R
24. Digital Signal Processing: Principles, Algorithms and Applications by John G. Proakis and Dimitris Manolakis, Prentice Hall Publications, ISBN: 0-13-373762-4, as referenced in the expert report of Dr. Eric Dowling.	I, M, R
25. Envelope Detection of Orthogonal Signals With Phase Noise, IEEE Journal of Lightwave Technology,	M, R

Defendants' Proposed Exhibit	Objections
Vol. 9, No. 10, October 1991.	
26. The Extraction of the signals from transducers in the vehicle under condition of strong electromagnetic interference, conference paper by Yue Liu.	M, R
27. Exponential Parameter Estimation in the Presence of Known Components and Noise, IEEE Transactions on Antennas and Propagation, pp. 590-599, May 1994	M, R
28. Multirate Signal Processing for Communication Systems, by Fred Harris, Prentice Hall, 2004	
29. Multirate Systems and Filter Banks, P. P. Vaidyanathan, Prentice Hall, 1993.	I, M, R
30. Curriculum Vitae of Dr. Eric Dowling	
31. Curriculum Vitae of Dr. Richard Stamper	
32. Expert Report of Dr. Richard Stamper dated January 4, 2006	B, H, P
33. List of Prior Testimony of Dr. Richard Stamper	
34. Photographs taken by Dr. Richard Stamper, as referenced in his expert report of January 4, 2006	B
35. Photographs and DVD of Plaintiff's Supertag and Defendants' Supersensor as referenced in the expert Report of Dr. Richard Stamper of January 4, 2006.	A, B, H, P; and U (as to DVD)
36. Curriculum Vitae of Michael Lyle.	
37. Expert Report of Michael Lyle	B, H, P
38. Photographs and test protocol and exhibits used by Michael Lyle in testing of tags, as referenced in his expert report.	A, H, P, R
15. Photos, Videos and Demonstrative Aids – Defendants will offer various photographs, videos and demonstrative aids showing the operation of the products at issue and the differences between plaintiff's patents and defendants' products, foam board enlargements of patent drawings of '419, '378 and '490, etc. Defendants will exchange or make such materials available for inspection by plaintiff's counsel at a mutually agreeable time and location.	As to those items Defendants intend to move into evidence: A, B, H, M, N, P, R, U
16. Plaintiff's Privilege Logs, Redaction Logs and Lists of Persons Named Therein	H, M, P, R

III. OBJECTIONS TO EXHIBITS DEFENDANTS MAY OFFER AT TRIAL

Defendants' Proposed Exhibit	Objections
January 15, 2001- Portions of WG website S029903.	H
February 16, 2001 - Letter from Jerry Chang, general manager of Security Products, Inc. S029578.	A, H, P, R
March 5, 2001 - William Sanders e-mails Harry Watkins that he noticed that WG posted pictures of its 58kHz system on the Internet. S029893. The next e-mail is redacted.	M, R
March 6, 2001 - James Wyatt e-mail	U
Portions of WG website downloaded by unknown Sensormatic employees. S029894-96.	H, R
March 20, 2001 - Mike French e-mail to Mark Stafford S029881-82.	M, R
Harry Watkins response S029881.	M, R
March 26, 2001 - Portions of WG website. S029883.	H, R
April 5, 2001 - Letter from Paul T. Kashimba to Graham Handyside. S029880.	M, R
April 9, 2001 - Letter from Graham Handyside to Paul Kashimba. S029838.	H, M, R
April 19, 2001 - Letter from Graham Handyside to Paul Kashimba. Stamped May 1, 2001. S029837.	H, M, R
May 9, 2001 - James Wyatt e-mail to Tom Riley. S029833.	M, R
May 11, 2001 - Portions of WG website. S029834-36.	
May 23, 2001 - "Sync search" relative to EAS patents. S029877-879.	A, P, R
May 24, 2001 - Charlot Lincoln order for a report from nerac.com. S029839-876.	A, H, P, R
June 20, 2001 - Alan Wolters e-mail to Ed Foley. S029818.	M, R
June 21, 2001 - Bernie Young e-mail to Mark Stafford. S029820.	M, R
Mark Stafford e-mail reply to Bernnie Young. S029820.	M, R
Mike French e-mail reply to Mark Stafford. S029820.	M, R
June 25, 2001 - Don Taylor e-mails Alan Wolters with a copy to James Wyatt concerning the WG 58kHz competitive system	U
S029817-18. Same as e-mail at S029825.	M, R
Cor Saarloos e-mails S029819-20.	M, R
June 26, 2001 - George Reynolds reply to James Wyatt S029817. Same as e-mail at S029825.	M, R
Tom Riley e-mail S029817. Same as e-mail at S029825.	M, R
George Reynolds reply to Tom Riley. S029817. Same as	M, R

Defendants' Proposed Exhibit	Objections
e-mail at S029825.	
Facsimile from Albert Rave to Bob Michael. S029560-63.	M, R
Harry Watkins e-mail. S029817.	M, R
Marketing material for WG Multi-Guard system being offered by EAS Distributors (UK) Ltd. S029831-32.	M, P
Phillip George e-mail S029812. Same e-mail at S029815. Same e-mail at S029942-43.	M, R
Adrian Casey e-mail. S029812. Same e-mail at S029815. Same e-mail at S029942.	M, R
Tom Riley e-mail. S029811-12. Same e-mail at S029814-15. Same e-mail at S029941.	M, R
Adrian Casey e-mail. S029811. Same e-mail at S029814. Same e-mail at S029941.	M, R
Tom Riley e-mail. S029811.	M, R
FCC compliance report for Mono-Guard and Multi-Guard systems bearing this date authored by Compliance Certification Services. S029674-	H, R, U
Tom Riley e-mail. S030684.	M, R
James Wyatt e-mail. S030684.	M, R
Michael Christiansen e-mails. S029749; S030669; S030671; S030673; S030674-S030675; S030676-S030677; S030678-S030679.	M, R
Patrick Hemery e-mails. S029749; S030668; S030670-S030671; S030672-S030673; S030676; S030678.	M, R
Harry Watkins, Michael Christiansen, Patrick Hemery and Cor Saarloos e-mails S030674.	M, R
Tom Riley e-mails. S029747; S030667-S030668; S030670; S030672; S030678.	M, R
E-mail from M. Christensen. S029747; S030667; S030670.	M, R
Tom Riley e-mails. S030667.	M, R
Harry Watkins e-mail. S030672.	M, R
Harry Watkins e-mail. S030666.	I, M, R
Arthur Fuss e-mail. S029798. Same e-mail at S029799-800 (next e-mail in chain redacted). Same e-mail at S029754 (next e-mail in chain is redacted). Same e-mail at S029802 (next e-mail in chain is redacted). Same e-mail at S029925 including redaction. Same e-mail at S029936 including redaction.	I, M, R
E-mail from John Flanderhijn. S029746.	M, R
Arthur Fuss e-mail. S029796.	M, R
Hap Patterson e-mail. S030663.	M, R
Larry Canipe e-mail. S030665.	I, M, R
"Agreement" on behalf of WG Security Production.	I, M, R

Defendants' Proposed Exhibit	Objections
SO29428.	
May 30, 2002 - Information from the WGSPI website. SO29590.	H, I, R
Phillip Hollett e-mail. SO30663.	M, R
Harry Watkins e-mail. SO30664.	M, R
"Agreement" on behalf of EAS Sensorsense. SO29428.	I, M, R
H. Watkins e-mail. SO29172.1	I, M, R
"Agreement" on behalf of Sensormatic Electronics Corporation. SO29429.	I, M, R
Harry Watkins iteroffice memo. SO29378.	M, R
Agendas. SO29173, SO29376 and SO29379.	M, R
Tom Riley e-mails. SO30653-SO30654; SO30658-SO30659; SO30662.	M, R
Ruth Hambleton e-mail. SO30655-SO30656.	M, R
Tom Riley e-mail. SO30655.	M, R
Hap Patterson e-mail. SO30660.	M, R
Michael French e-mail. SO30655.	M, R
John Smith e-mail. SO30653.	M, R
Tom Riley e-mail. SO30652-SO30653.	M, R
Joan Cagney e-mail. SO30652.	M, R
Harry Watkins e-mail. SO30652.	M, R
Phil Hollett e-mail. SO29439-40	M, R
Graham Handyside e-mail. SO29226.	H, I, M, R
Patricia Hannigan e-mail. SO29439.	M, R
Phil Hollett e-mail. SO29439.	M, R
John Flanderhijn e-mail. SO29789. The last e-mail in this chain is redacted. SO30648-SO30649; SO30650-SO30651.	M, R
Harry Watkins e-mail. SO29789. The next e-mail in this chain is redacted. SO30648; SO30650.	M, R
Harry Watkins e-mail. SO30648.	M, R
Alan Dewey e-mail. SO30647.	M, R
Dave Ferguson e-mail. SO30647.	M, R
James Wyatt forwarding document. SO30684. The document he forwarded SO30686-SO30695.	M, P, R
Ernst Matthias e-mail. SO30645; SO30646.	M, R
Patrick Hemery forward e-mail. SO30645; SO30646.	M, R
Tom Riley e-mail, SO30645; SO30646.	M, R
James Wyatt response. SO30645.	M, R
Cor Saarloos e-mail. SO30644.	M, R
Patrick Hemery response. SO30643-SO30644.	M, R
John Smith response. SO30643.	M, R
Ernst Matthias response. SO30643.	M, R
Tom Riley response SO30642.	M, R

Defendants' Proposed Exhibit	Objections
Notes re Patricia Hannigan call. S029439.	M, R
E-mail from J. Andreasen. S029745.	M, R
"Mutual Confidentiality/Nondisclosure Agreement" SO29433.	I, M, R
E-mail from Craig Szklany. S030641.	M, R
Invoice to Sensormatic. S029606.	M, R
B. Clucas e-mail. S029740.	M, R
B. Clucas e-mail. S029741.	M, R
Car Saarloos e-mail. S030640.	M, R
Patrick Hemery e-mail. S030640.	M, R
E-mail from Adrian Knight to Marc Blanchenay. SO29212.	M, R
E-mail from Marc Blanchenay to Craig Szklany. SO29212	M, R
E-mail from C. Szklany. SO29212.	M, R
Carlos Garcia e-mail. S030637	M, R
Ricardo Arroyo forward. S030636	M, R
Rosa Aliaga e-mail. S030636	M, R
Tom Riley e-mail. S030638.	M, P, R
James Wyatt response. S030638.	M, P, R
Tom Solaski e-mail. S030636	M, R
Phone message to "HAP" from Phil Hollett. S029441.	M, R
"Mutual Confidentiality/Nondisclosure Agreement. S029430-34.	M, R
WG product list. S029435-37.	
Dave Ferguson e-mail. SO29410	M, R
E-mail from Y. Ichimura. SO29219-21. Same e-mail at S029666-668.	M, R
Tom Riley e-mail. S029778.	M, R
Gary Chan e-mail. S029773-74. Same e-mail at S029782.	M, R
E-mail from Tom Riley SO29219. Same e-mail at S029666.	M, R
Tom Riley e-mail. S029785.	M, R
Denise Farrell e-mail. S029777.	M, R
David Urban e-mail. S029778.	M, R
E-mail from Y. Ichimura. S029773.	M, R
Document titled "Sky-Guard Entrance Solutions". S029669-S029673.	A, H, R
Bob Clucas e-mail. S029438.	M, R
Tom Riley e-mail. S029438.	M, R
Ichimura Yutaka e-mail. S029661.	M, R
Craig Szklany e-mail. S029768.	M, R
Denise Farrell e-mail. S029768.	M, R
Denise Farrell e-mail. S029768.	M, R

Defendants' Proposed Exhibit	Objections
E-mail from John Chamberlain. S029597.	I, M, R
E-mail from Mike French. S029596.	I, M, R
Notes concerning technical information related to WG products. S029598.	A, H, M, P, R
Meeting document. S029768.	M, R
Document regarding teleconference. S029777.	M, R
Adrian Knight e-mail. S029764.	M, R
Nick Tarbuck response.	U
E-mail from Mike French. SO29202.	M, R
Internet information concerning SS/WG. S029442-S029556.	H, M, R
Adrian Knight e-mail. S029763-64.	M, R
Nick Tarbuck e-mail. S029763.	M, R
Steve Smith e-mail. S029763.	M, R
Gerry Head e-mail. S030709.	I, M, R
John Smith e-mail. S029912.	I, M, R
Tom Riley e-mail. S029911-S029912.	I, M, R
E-mail sent from Adrian Knight to Nick Tarbuck. SO29397-98 & SO29403-04 & SO29405-407 & S029600-601 & S029766-67 (the end of this e-mail chain is redacted).	I, M, R
Nick Tarbuck e-mail. SO29397 & SO29403 & SO29405 & S029600 & S030699; S030701.	M, R
Steve Smith e-mail. S029766.	I, M, R
Brad Quigley e-mail. S029744.	I, M, R
Tom Riley e-mail. S029744.	I, M, R
E-mail from Craig Szklany. S029743-44.	I, M, R
Tom Riley e-mail. S029743.	I, M, R
Hap Patterson e-mail S029743.	I, M, R
E-mail from Claudia Garabaya and Michelle Schoen. S029605.	I, M, R
E-mail from Michele Schoen. S029605.	I, M, R
E-mail from Claudia Garabaya. S029605.	I, M, R
Michelle Schoen e-mail. S029604.	I, M, R
Darko Tavcer e-mail. S029604.	I, M, R
James Davis e-mail. SO29409; S030706.	M, R
Michael Walz e-mail. S029409; S030706.	M, R
Tom Riley e-mail. SO29409; S030706.	M, R
Brad Quigley e-mail. S029916.	M, R
Bruce Kutsche response. S029915-16.	M, R
Ian Brooker e-mail. SO29187; S030704.	M, R
John Smith e-mail. SO29187; S030704.	M, R
Thomas Riley e-mail. SO29187; S030704.	M, R

Defendants' Proposed Exhibit	Objections
John Chamberlain e-mail. S030704.	M, R
John Chamberlain e-mail. SO29408.	M, R
Facsimile. S029602.	A, H, I, M, R
Craig Szklany e-mail. S029604.	M, R
Conference call schedule. SO29408.	M, R
Dave Ferguson e-mail. SO29175	I, M, R
Photographs of Sensorsense/WG products. SO29175	I, R, U
Price list from EAS Sensor sense. S029646.	
Ken Scotland e-mails. SO29397 & SO29402 & SO29405 & SO29600; S030698; S030701.	I, M, R
E-mail from Cecilia Moreno. S029617.	M, R
Mathias Ernst e-mail. SO29396 & SO29402 & SO29405 & SO29600; S030698; S030701.	M, R
Sigurd Bolt Sorensen e-mail. SO29396 & SO29402 & SO29599-600; S030698.	M, R
Tom Riley e-mail. S029612.	M, R
E-mail from Charlie Turgeon. S029617.	M, R
Matthias Ernst e-mail. SO29395-96 & SO29401 & & SO29599; S030697.	M, R
Charlie Turgeon e-mails. SO29395 & SO29401 & & SO29599; S030697.	M, R
"Summary Package sale Units". SO29576-77.	M, R
Ranier Borchers e-mail. SO29395 & SO29400 & SO29599; S030696.	M, R
Sigurd Bolt Sorensen e-mail. SO29400; S030696.	M, R
E-mail from Charlie Turgeon. S029615.	M, R
E-mail from C. Turgeon. S029614.	M, R
E-mail from John Chamberlain. S029614.	M, R
E-mail from Cor Saarloos. S029614.	M, R
Summary Package. S029629.	M, R
Michael Slevin e-mail. SO29185.	I, M, R
Rex Gillette e-mail. SO29184-85.	I, M, R
Bob Clucas e-mail. SO29184.	I, M, R
Tom Riley e-mail. SO29184. Same e-mail at S029644 with handwritten notes.	I, M, R
George Reynolds e-mail. SO29399.	M, R
Rich Backof e-mail. S029653-655	M, R
Memo from John Chamberlain. S029642-43.	M, R
Letter from Graham Handyside. SO29375 & S029415.	H, M, R
D. Schneiderman e-mail. S029939.	M, R
D. Schneiderman e-mail. S029939.	M, R
D. Schneiderman e-mail. S029938.	M, R
Fax of Agreement. S029425-29.	M, R

Defendants' Proposed Exhibit	Objections
Notes re Patricia Hannigan call. S029439.	A, H, M, R
Jeff Frazier e-mail. S029753.	M, R
Tom Riley response. S029752.	M, R
Jeff Frazier e-mail. S029752.	M, R
Doug Narlow e-mail. S029933-34.	M, R
Internal Sensormatic Memorandum. SO29381-85.	A, H, M, P, R
Un-executed "Agreement" SO29386-90	A, M, P, R
Un-executed "Agreement" SO29391-93	A, M, I, P, R
Un-executed "Mutual Confidentiality/Nondisclosure Agreement" between ADT Security Systems, Inc. and WG/Sensorsense. S029411-14.	A, M, R, P
April 2003 edition of WG's "The Manufacturer". S029417.	
WG promotional material for Sky-Guard and Pro-Guard antenna systems. S029418.	
March 2003 edition of WG's "The Manufacturer". S029419.	
WG promotional material for Sky-Guard, etc touting May 1 st release. S029418.	
February 2003 edition of WG's "The Manufacturer". S029421 & S029531.	
WG promotional material for Sky-Guard antenna system and opening of Rotterdam distribution center, etc. S0294122.	
WG promotional material for Pro-Guard and Sky-Guard antenna systems and testing in compliance with UL and CE standards. S029423.	
WG promotional material for Supersensor, Door Guard, Distance deactivator and touch pad deactivator. S0294124.	
Corporate information on a number of companies from which it appears that Sensormatic either acquired or attempted to acquire WG/SS products for testing in late 2002 early 2003.. S029442-522.	H
Pages from the WGSPI web site. S029523-530.	
WG promotional material for Sky-Guard and other products due out "May 1 st ". Stamped received February 14, 2003. S029530.	
Pages from the WGSPI web site. S029532-556.	
Certificate of Assessment granting WG ISO standard 9001:2000 certification. S029557.	A, H, R
58kHz Multi-Guard Installation Manual by EAS Sensorsense. S029564-575.	
Promotional material for Security Product, Inc. S029579-S029584	A, H

Defendants' Proposed Exhibit	Objections
Handwritten notes with Graham Handyside's name and contact information with what appears to be a list of products and prices. S029585.	A, H, M, R
Promotional material that appears to have been downloaded from the wgspi website on May 30, 2002. S029586-S029590.	H
Un-executed "Agreement" between Sensormatic Electronics Corporation and WG/Sensorsense. SO29591-595.	A, M, P, R
Handwritten notes. S029603.	A, H, M, R
Executed copy of the Agreement between Sensormatic Electronics Corporation and SS/WG. . S029607-611.	M, R
Photograph of CE compliance sticker. S029613.	A
Photographs of storefront doors. S029618-619.	A, B
Letterhead that states "Tyco/Safety Products" "Sensormatic Retail Solutions Group" with Boca Raton address. S029620.	
Handwritten notes. S029621-22.	A, H, M, R
Promotional materials. S029623-28.	
WG marketing materials for Sky-Guard Entrance Solutions. S029630-34.	
April 2003 copy of "The Manufacturer". S029635.	
"EAS Technology Leader" paper touting Pro-Guard and Sky-Guard. S029636.	
Copy of the Agreement between Sensormatic Electronics Corporation and SS/WG. . S029637-641.	M, R
Appendix of a WG tuning manual. S029647-52.	I, M, R
Handwritten notes. S029656.	A, H, M, R
WINguide Inc. New Product Catalog. S029657-60.	
Promotional materials for WG products. S029662-665.	
Un-executed "Agreement" between Sensormatic Electronics Corporation and WG/Sensorsense. SO29756-59.	A, M, P, R
Agreement. S029791-795.	M, R
Promotional material for multi-guard 58 kHz system by EAS Distributors (UK) ltd. S029801.	H
Un-executed "Agreement" between Sensormatic Electronics Corporation and WG/Sensorsense stamped "Draft". S029803-806.	A, I, M, P, R
Un-executed "Agreement" between Sensormatic Electronics Corporation and WG/Sensorsense stamped "Draft". . S029803-806.	A, I, M, P, R
Advertisement from "Professional Security" S029830.	H

Defendants' Proposed Exhibit	Objections
Marketing material for WG Multi-Guard system. S029831-32.	
WG website. S029834-36.	
Patent search document. S029839-S029876.	A, H, P, R
Documents called "Sync search" relative to EAS patents. S029877-879.	A, H, P, R
WG website pages. S029894-896.	
Undated letter. S029898.	H
WG website. S029903.	
Undated document titled "WG Agenda / Summary". S029944.	A, I, M, R
List of retailers. S029947-68.	M, R
U.S. Patent 5,353,011; Wheeler, et al.; Electronic Article Security System with Digital Signal Processing and Increased Detection Range. S029969-S029999.	
U.S. Patent 4,373,163; Vendebult; Loop Antenna For Security Systems. S030000-30006.	M, N, R
Letter from Daniel J. Mis. S030007-S030088.	A, H, R
Report entitled "Product Safety Engineering Checkpoint" S030089-S030418.	A, H, R
Document entitled "Checkpoint Technical Documentation Installation & Tune-Up Procedure. S030419-S030497.	A, H, R
"Counterpoint VII" deactivator. S030498-S030590.	A, H, R
Technical documents. S030591-S030635.	A, H, R
Group of test. S030680-S030683.	A, H, R
"Total Security Solutions For Retailers". S030711-S030849.	M, R
Blank "Sales Agreement" S030850-S030854.	M, R
Blank "Sales Agreement". S030855-S030863.	M, R
Sensormatic "2002-2003" Product Catalog. S030864-S030928.	
"Ultra-Max Product Catalog" S030929-S030965.	
"Sensormatic Solutions Portfolio" marked rev. 10/04. S030966-S031066.	
"Sensormatic 2001 Product Catalog" S031067-S031243.	
"Sensormatic ADT Retail National Accounts EAS Price Book". S031244-S031358.	
"List Price Database". S031359-S031382.	
"List Price Database". S031383-S031407.	
ADT Sensormatic "List Price Database". S031408-S031433.	
ADT Sensormatic "List Price Database". S031434-S031460.	

Defendants' Proposed Exhibit	Objections
"List Price Database". S031461-S031485.	
"List Price Database". S031486-S031593.	

IV. CONCLUSION

Sensormatic reserves the right to supplement and/or amend its objections. Sensormatic further reserves its right to supplement or amend its objections, or to impose objections where none are presently listed, depending upon the specific purpose for which Defendants introduce an exhibit at trial. Nothing in this document should be construed as Sensormatic's consent to the admissibility of any exhibit.

Dated: May 19, 2006

Respectfully submitted,

By: /s/ Andrew R. Kopsidas

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Counsel for Plaintiff SENSORMATIC
ELECTRONICS CORPORATION

CERTIFICATE OF SERVICE

I hereby certify that a copy of SENSORMATIC ELECTRONICS CORPORATION'S OBJECTIONS TO DEFENDANTS' TRIAL EXHIBITS was filed electronically in compliance with Local Rule CV-5(a) on May 19, 2006. Therefore, this document was served on all counsel who are deemed to have consented to electronic service:

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